

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 3, 4, 7, and 8 remain pending, claims 3 and 7 being independent. In this Reply, Applicant has amended independent claims 3 and 7.

Prior Art Rejection

Claims 3, 4, 7, and 8 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by *Neff et al.* (U.S. Patent 5,841,885). This rejection is respectfully traversed.

By way of review, independent claim 3 is directed to a reproduction apparatus. As amended herein, the reproduction apparatus of claim 3 comprises: display means for reading digital image data from a recording medium on which the digital image data, data representing the size of a full image, and data representing the size of an effective image have been stored in mutually correlated form, and displaying an image which represents the digital image data that has been read. The reproduction apparatus of claim 3 further comprises aspect altering means responsive to an entered aspect alteration command for rewriting the data representing the size of the effective image, which data has been recorded on the recording medium, by new data representing an instructed size for the effective image.

Providing data representing the size of a full image in mutually correlated form with corresponding digital image data and data representing the size of an effective image is significant because, in accordance with embodiments of the present invention, an image with a desired aspect ratio, indicated by the effective image size (e.g., length A and width B) may be generated from the full image (e.g., length X and width Y) without limiting the ability to later revert back to the full image size or an image of intermediate size. In other

words, regardless of how the effective image size data is altered in accordance with aspect altering commands, the full size image data is maintained for future use.

In maintaining the rejection under 35 U.S.C. § 102, the Examiner states:

Neff although does not specifically states size of an image to be stored along with the digital image, he makes it clear that any other desired instruction or information may be added to the digital record (column 3, lines 63-67). Size of image is certainly a piece of information that can be easily programmed or selected to be attached with the digital record. Neff goes to also teach that images can be manipulated like cropping and enlarging (column 4, lines 30-37) and later teaches storing of the images in column 4, lines 53-56. Therefore, by connecting various teachings of Neff in the reference all limitations of the claims 3 and 7 are met. (Office Action, p. 2).

Applicant respectfully submits that “connecting” the above-identified teachings of *Neff* does not result in the invention of independent claim 3 and submits that the grounds of rejection is based on an unreasonable interpretation of the teachings of *Neff*.

The Examiner’s rejection appears to be based on the conclusion that, because *Neff* generally states that “any other desired instruction or other information may be added” to a digital record and that the image is stored and can be manipulated by cropping/enlarging, *Neff* teaches the limitations of claims 3 and 7. Applicant notes, however, that the examples of “other desired instruction or other information” to be added to a digital record are stated as “the date, name, location, and/or a message [that may be] added for printing along with the image.” (See col. 3, ll. 61-67). Such examples neither explicitly teach nor suggest storing “the data representing the size of an effective image,” particularly in combination with “the data representing the size of a full image” as now clearly recited in independent claim 3. The Examiner’s conclusion that “size of image is certainly a piece of information that can be easily programmed or selected to be attached with the digital record” finds no factual support in *Neff*, particularly considered in the context of the examples of “other

information" given, and does not specifically relate to the claimed feature of providing digital image data, data representing the size of a full image and data representing the size of an effective image in mutually correlated form. Furthermore, by merely recognizing that image data may be manipulated by cropping/enlarging, *Neff* does not teach or suggest that the "desired instruction or other information" would include "the data representing the size of an effective image," and certainly does not teach or suggest that such information would be stored in correlated form with the digital image data and data representing the size of a full image as required by independent claim 3.

According to MPEP §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989).

Applicant respectfully submits that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, *Neff*, fails to teach or suggest each and every feature as set forth in the claimed invention.

Neff fails to anticipate the reproduction apparatus of independent claim 7 at least based on similar reasoning. Furthermore, dependent claims 4 and 8 define over *Neff* at least for depending from an allowable base claim.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 102.

CONCLUSION

Applicant respectfully requests that the Examiner enter the amendments presented herein, which have been presented to even more clearly distinguish the claims over the applied prior art. Alternatively, Applicant requests that the Examiner enter these amendments to place the application in better form for appeal.

Should there be any outstanding matters which need to be resolved in the present application, we respectfully request the Examiner to contact the undersigned at (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Applicant respectfully petitions for a one (1) month extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). A check in the amount of \$110.00 in payment of the extension of time fee is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Version With Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims have been amended as follows:

3. (Twice Amended) A reproduction apparatus comprising:

display means for reading digital image data from a recording medium on which the digital image data, data representing the size of a full image and data representing the size of an effective image [has] have been stored in mutually correlated form, and displaying an image which represents the digital image data that has been read; and

aspect altering means responsive to an entered aspect alteration command for rewriting the data representing the size of the effective image, which data has been recorded on the recording medium, by new data representing an instructed size for the effective image.

7. (Twice Amended) A reproduction apparatus comprising:

readout means for reading data out of a recording medium on which digital image data, data representing the size of a full image and data representing the size of an effective image [has] have been stored in mutually correlated form;

manipulating means for manipulating the digital image data, which has been read out by said readout means, to image data representing an image having an aspect ratio stipulated by the data representing the size of the effective image; and

display means for displaying the image represented by the image data manipulated by said manipulating means.